

REMARKS

Clarification is requested with regard to the objection to Claims 6 and 7 made in the Office Action Summary (PTO-326). No basis is set forth in the Detailed Action which states that Claims 6 and 7 are allowed.

The rejection of Claims 17-28 as being anticipated by Kurihara et al. under 35 USC § 102(e) is traversed. Reconsideration of this rejection is requested.

The Examiner will note commonality in the inventors of the present invention and the invention in the Kurihara et al. patent which is owned by Hitachi, Ltd., the assignee of the present application. The focus of the Kurihara et al. patent is a correlation function which utilizes an index calculation method. There is nothing at col. 7, lines 25-67, col., 8, lines 1-67 and/or col. 9, lines 1-20 of that patent which teaches or even suggests an apparatus or method which suspends a determination of the catalyst's deterioration state if the state variable is outside a predetermined range and/or modification of the obtained index value.

Accordingly, early and favorable action in allowing the application is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit
Account No. 05-1323 (Docket #381TO/41670C4).

Respectfully submitted,

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